

### **REMARKS**

Claims 1-11 are pending in this application. Claims 1 and 5 are independent. In light of the remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner objected to the Oath/Declaration. The Examiner further rejected claims 1-8 and 10 under 35 U.S.C. §102(e) as being anticipated by Onoe (U.S. Patent Application Publication No. 2005/0163130); and rejected claims 9 and 11 under 35 U.S.C. §103(a) as being unpatentable over Onoe in view of Rogers (U.S. Patent Application Publication No. 2001/0036181). Applicant respectfully traverses these objections and rejections.

#### **Oath/Declaration**

The Examiner asserted that the foreign priority document was not submitted. The Examiner's attention is respectfully directed to form PCT/IB/304, filed August 16, 2006, indicating that the foreign priority document was properly received by the International Bureau in the international stage.

The Examiner further asserts that the PCT filing was not disclosed in the Oath/Declaration. The Examiner's attention is respectfully directed to the second paragraph of the Declaration clearly setting for the International Application No. PCT/JP2005/002258.

As such, Applicant respectfully requests the withdrawal of these objections.

#### **Claim Rejections – 35 U.S.C. §102**

In support of the Examiner's rejection of claim 1, the Examiner asserts that Onoe discloses as follows:

a request unit (identifier from the packet communication, ¶ [0015], page 2, lines 4-5) requesting a bandwidth control device to reserve a bandwidth for a packet group determined to be transmitted with a bandwidth guaranteed (packet identifier from the packet header decides that the related packet is guaranteed in bandwidth and is

transferred in a bandwidth set of the guaranteed bandwidth, ¶ [0015], page 2, lines 5-9) by said determination unit.

Applicant respectfully disagrees that the teachings of Onoe are sufficient to anticipate claim 1.

The disclosure of Onoe is directed to a transmitter, communication system and method capable of realizing communication of more than a set bandwidth respect to a packet communication with a bandwidth guarantee set therefore by using a set bandwidth as the minimum guaranteed bandwidth. In the background portion of the disclosure, Onoe discloses in paragraph [0015] as follows:

[0015] The packet header is usually added to a packet to be transmitted by the transmitter side host and transmitted to the network together with the data portion of the packet. Then, at the time of packet communication, each relay node detects the packet identifier from the packet header added to each packet, decides whether or not the related packet is guaranteed in bandwidth by that, and transfers the related packet in a bandwidth set in the table of the packet identifiers and guaranteed bandwidths shown in FIG. 3, that is, at a certain constant transfer speed in the case of the bandwidth guaranteed packet.

As can be seen from the above disclosure, Onoe discloses deciding whether or not one packet is guaranteed in bandwidth and transfers the packet in the bandwidth set in the table disclosed in Fig. 3.

In contrast, claim 1 requires a request unit requesting a bandwidth control device to reserve a bandwidth for a **packet group** determined to be transmitted with a bandwidth guaranteed by said determination unit.

According to the teachings of Onoe, one packet is transferred in a bandwidth set in the table of packet identifiers and guaranteed bandwidths. However, the teachings of Onoe are insufficient to teach or suggest a request unit requesting a bandwidth control device to reserve a bandwidth for a packet group. For at least this reason, claim 1 is not anticipated by Onoe.

Claim 1 further requires a **determination unit** organizing a set of packets having the same packet header as a packet group according to a classified result by said classification unit, and determining whether to be transmitted with a bandwidth guaranteed according to a bit rate of the packet group.

In contrast, as can be seen from the teachings of Onoe noted above, each relay node decides whether or not the related packet is guaranteed in bandwidth by the packet identifier, that is, the packet to be guaranteed in bandwidth is predetermined.

Onoe fails to teach or suggest a determination unit that organizes a set of packets having the same packet header as a packet group according to a classified result by a classification unit and determines whether or not the packet group is to be transmitted with a bandwidth guaranteed according to the bit rate of the packet group. As can be seen from the language of claim 1, a packet group to be guaranteed in bandwidth is not predetermined. The determination unit automatically determines the packet group which is desirable to reserve a bandwidth for a data transmission. Onoe fails to teach or suggest these claim elements. Applicant respectfully submits that claim 1 is not anticipated by Onoe. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-4 and 9-11 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1.

Claim 5 requires a determination unit that derives a relationship between a required bandwidth and a required buffer capacity, and determines whether the packet group is a packet group to be transmitted with a bandwidth guaranteed from said relationship. As can be seen from the language of claim 5, a packet group to be guaranteed in bandwidth is not predetermined. The determination unit automatically determines the packet group which is desirable to reserve a bandwidth for a data transmission. Onoe fails to teach or suggest these claim elements. Applicant respectfully submits that claim 5 is not anticipated by Onoe. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 6-8 are allowable for the reasons set forth above with regard to claim 5 at least based on their dependency on claim 5.

**Conclusion**

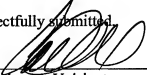
In view of the above remarks, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted

By   
Catherine M. Voisinnet  
Registration No.: 52,327  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant